Sectt. II-27—23,006—

Law (General) (193) Departme

Gen. SERIES.

G.O. No. 1504

DATED 1-5-1933

[Despatch Abstract.]

[illegible] - [illegible] Kasaragod - Appointm

[illegible] - Subscribed from 4th May 1933

[illegible] - Abolished.

HIGH COURT
18 APR 1933
DEPARTMENT

1

DEPARTMENT.

U.F. 30.

Received ..... 19 *Registered* 19

Subject. L.G. 2063 B
17.4.33.

ENCLOSURES.
No. .....
.....
Spare copies .....

R.O.C. No. 956/33-D-2.

Station Madras, *Dated the* 12th April 1933

From (Name) G.S. White Esquire, (Solicitor),
(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,
Law (General) Department
(with enclosures).

Sir,

Court-Civil-Abolition of the appointment of the Additional District Munsif, Puttur from 17th April 1933 and sanction of the appointment of an Additional District Munsif to the District Munsif's Court, Kasaragod-Recommended.

Reference: G.O.No.Mis.480 Law (General) dated 11th February 1933.

(G)

I am directed to state that the Hon'ble the Judges recommend that the appointment of Additional District Munsif, Puttur with his establishment may be abolished with effect from the date of commencement of the summer recess of the District Munsif's Court, Puttur, i.e.17th April 1933.

V

2. In the High Court's letter A.C.J.No.3769/52 D-1, dated 26th December 1951, provision of funds for the appointment of an Additional District Munsif to the District Munsif's Court, Kasaragod was asked for in order to give relief to the District Munsif's Courts of Kasaragod and Hosdurg. But as the arrears in the District Munsif's Court, Hosdurg, at the end of June 1952 were not so much as those in the District Munsif's Court, Puttur and as the need for relief to the latter Court was more pressing, the High Court recommended that an additional officer might be appointed to the District Munsif's Court, Puttur in the first instance. (Vide High Court's letter A.O.C.No.2210/52-D-2, dated 10th August 1952.) In the circumstances stated in paragraph 4 of the enclosed copy of his letter D.No.4110 dated 4th April 1953 and its enclosures the District Judge reports that the District Munsif's Court, Kasaragod is in urgent need of relief and requests that an additional District Munsif may be appointed to the Court with the usual establishment of three clerks on Rs.50--60 and three peons on Rs.16--18 each a month from the date of reopening of the Court after the summer recess upto the date of commencement of the Christmas holidays 1953. The Hon'ble the Judges support his request. I am therefore to request that the Government may be pleased to issue orders accordingly.

The extra cost involved in the proposal can be met from the budget grants for the current year. Provision for a full year has been made for the Additional District Munsif's Court, Puttur and his establishment in the budget estimate for 1953--1954 in order to give relief to the District Munsif's Court, Kasaragod also.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

V.S.

Copy to the District Judge of South Kanara.

Copy of letter D.No.2116 dated the 4th April 1933 from the District Judge of South Kanara, to the Registrar, High Court, Madras:-

Reference: High Court's R.O.C.No.956/1933-D.2 dated 21st March 1933 and reminder dated 1-4-1933

Re: Court - Civil - Additional District Munsif, Puttur, further retention.

The present state of work in Puttur does not justify the retention of the Additional District Munsif beyond the midsummer holidays. The annexed statement will show that the total number of suits pending there on the file of both the Munsifs is 249 only--184 with the Principal District Munsif and 65 with the Additional District Munsif.

2. But I feel it my duty to point out that Karkal has a total pendency of 407, with 164 old suits; and Kasaragod has 374 suits pending, out of which 203 are over one year old suits. Of the two places, Kasaragod stands in need of urgent relief. Mr. Parameswara Aiyar, the District Munsif of Kasaragod, has been working against heavy odds and his disposals have been very satisfactory. Yet the pendency is large and many of the one year old suits are, I understand, of an intricate character. From the letter of the District Munsif, dated 1-4-1933, copy of which is enclosed herein, it will be seen that it will not be possible to finish more than five or six of these old suits per month and that if the Munsif is to devote attention to them, solely or mostly, the current work will soon fall into arrears. I pointed out in my communication to the High Court dated 11-1-1933 that after Puttur was adequately served, the assistance of the Additional District Munsif will be required at Kasaragod. I venture to think that the sooner relief is given the better. It is a case where relief has to be given sooner or later and if it is postponed for a later date it will only mean the retention

of the Additional District Munsif for [illegible] longer period than might be the case if relief [illegible].

3. The case of Kanhangad can be dealt with at the end of this calendar year on the then state of the file [illegible].

4. I have the honour, therefore, to request that an Additional District Munsif might be appointed for Kasaragod for a period of six months from the date of re-opening of that court namely 29-6-1964 to the commencement of the Christmas vacation of 1964.

Copy of letter Dis.842 dated the 1st April 1933 from the District Munsif, Kasaragod, to the District Judge, South Kanara:-

Reference: District Court Dis.No.1842/23-3-1933 communicating a copy of letter R.O.C.No.956/1932-D.2, dated 21-3-1933 from the Assistant Registrar, Appellate Side, High Court, Madras, calling for statistics for appointment of Additional Munsif.

not enclosed

In submitting the statements called for in the District Court's communication referred to above, I beg to submit as follows:-

1. The pendency of original suits on 31-3-1933 is 374. Out of this 203 are more than one year old suits. I have been trying my level best to reduce the pendency. But as I have been submitting time and again, it is well nigh impossible to reduce the number of more than one year old suits by any amount of exertion. In February and March I fell ill and therefore no large quantity of work could be done. The old suits that remain are such that more than 5 or 6 cannot be finished in a month. In January, February and March this year, I have just been able to come up to the institutions. If the disposals are commensurate only with the institutions, the old suits will remain. If they alone are tackled, the new suits will become old. The District Court has observed in one of the circulars that old original suits should be tackled without prejudice to the ordinary daily work. The miscellaneous work and small cause work is so heavy that I find time only for that till 3 O'Clock every day. I have been repeating this in almost all my communications.

2. The quaterly returns will show that I have not been keeping many small cause suits for explanation. But in this quarter several small cause suits come up for explanation because of my illness and of the attention that I had to give to the original suits. It will be seen also that the number of old suits disposed of in January, February and March is

very

very little That is because of my illness. The work turned out in the last two years and I submit be charged with voluntary insolence or laziness. I have been submitting that I am like a man who has to one end of a heavy log on his shoulders and is crying for help to lift the other end. No doubt help has come to this court by transfer of six suits to the Sub-Court in 1931 and the transfer of 22 suits now to the Sub-Court. But this help is very little when compared with the huge quantity of work that has been done and that still remains to be done. The quarterly review shows that in Buttur there were only 188 more than one year old suits at the end of December 1932. Still the addition of Court was granted to Buttur. I submit that the necessity for an additional court to this court is a standing necessity. I have been submitting repeated memorials for an additional court to clear off the heavy arrears pending here.

3. It may be said that institutions have gone down here. But a reference to the Administration Reports of 1930, 1931 and 1932 will show that the institutions have gone up. It may be further said that many suits have now become small causes on account of the enhanced jurisdiction. But I fail to see how a small cause suit differs from an original suit except in that detailed depositions need not be recorded. But to do justice to parties, the same number of witnesses will have to be examined and the same number of documents will have to be considered, and the same careful attention has to be given to the small cause suits as to the original suits. The fact that many go as small causes one that the number of original suits is reduced, cannot, in my humble opinion, be treated as a reason for keeping additional Munsif to this court to reduce the heavy [illegible] institutions of original suits and small cause suits

[illegible],

combined, in the March quarter for 1933 is higher than the institution in the corresponding quarters 1932 as well as 1931. The pendency is being kept down only because of my working overtime and on holidays. But it is humanly impossible to work at the same rapid rate for all times.

4. The major number of old suits pending here are from South Kasaragod Taluk in which the parties are Malayalam speaking people. Their oral evidence will be given in Malayalam. Many of the documents will be in Malayalam. I may therefore be permitted to submit that an officer who knows both Malayalam and Kanarese equally well may be requested to be deputed to this place as Additional Munsif. If that is not possible, a Malayalam knowing gentleman may be deputed as I can look to the Kanarese work and the extra Malayalam work.

Statement showing the institutions, disposals and pendency of suits in each of the District Munsif's courts in the year 1932.

Name of District Munsif's Court	Original Suits					Small Cause Suits					Standard outturn	
	Institution	Disposal			Pendency	Institution	Disposal			Pendency	O.S.	S.C.
		Contested	Uncontested	Total			Contested	Uncontested	Total			
Mangalore	476	284	190	474	324	1529	350	1126	1476	214	527	1476
Kasargode	612	468	273	741	382	859	286	616	902	73	792	860
Udipi	792	372	541	913	382	850	204	844	748	78	905	893
Kundapur	546	315	275	590	235	1024	338	675	1013	113	868	963
Karkal	448	321	213	534	415	597	201	370	571	74	640	441
Puttur	523	574	216	790	400	638	219	424	643	87	748	476

Statement showing the institutions, disposals and pendency of suits in each of the District Munsif's Courts during 1933 upto 31.3.1933 (1st quarter of 1933)

Name of District Munsif's Court	Original Suits					Small cause Suits					Standard annual outturn	
	Institution	Disposal Contested	Disposal Uncontested	Disposal Total	Pendency	Institution	Disposal Contested	Disposal Uncontested	Disposal Total	Pendency	O.S.	S.C
Mangalore	100	68	35	103	324	363	127	247	374	209	527	1476
Kasargode	151	89	80	169	374	217	51	145	196	98	792 198	860 215
Udipi	121	149	83	232	273	214	30	148	178	114	905	893
Hendapur	111	55	81	136	217	232	165	46	211	135	868	963
Karkal	114	78	44	122	407	127	47	66	113	90	640	441
Puttur Principal	157	78	45	123	184	164	37	109	146	105	748 147	476 119
Puttur Additional	—	203	5	208	65	—	—	—	—	—	—	—

10

Cr 2063 B
ff 1-9 Cr

From the Registrar High Court Rec No. 956/33-D 2

8.12.4.33

Addl Dt Munsif, Pathanamthitta

Addl. Dt Munsif, Kasaragod - Cranbrook

Sir

The ~~appointment~~ sanction for the retention of the appointment of Addl Dt Munsif, Pathanamthitta upto the commencement of the summer vacation ie 17.4.33. The High Court has proposed the abolition of this appointment with effect from that date and communicated a copy of its letter to the Govt to the Dt Judge, South Kanara. Presumably action will have been taken by the Dt Judge accordingly in anticipation of the formal orders of Govt which may now issue.

Q. 486 Ex
11.2.33
ff 1 Cr

(for action at ff 2 Cr)

2 The High Court has also proposed at the same time the appointment of an Addl Dt Munsif with the usual establishment (of 3 clerks + 3 peons) in the Dt Munsif's Court, Kasaragod from the date of reopening on 29.5.33 till the commencement of Xmas holidays 1933

ff 4 Cr

ff 2 Cr

The reasons for this proposal are fully set out at ff 2-4 Cr. In brief the reasons urged by the Dt Judge which are accepted by the High Court are that 374 O.S. are pending in that Court

yesterday 203 cases were on the list and this application which is chargeable and that if relief is postponed help will be needed for a longer period than at present. It will be seen from p 2 yesterday 480 Lyell & Co 11.2.33 (Calcutta) when the Addl Dist Munsiff, Puttur was retained but this need for relief for the Kasaragod Dist Munsiff was one felt when papers in Sp. 3067 Lyell & Co 15.8.31 would also show that even though the post created in 1931 for the additional appointment of an Addl Dist Munsiff at Kasaragod, this proposal had to be dropped owing to the pressing need for economy. But when this proposal was revived in 1932 as the need for help for the Puttur Dist Munsiff's Court was stronger than ever decided to it. Now that the Dist Munsiff's Court Puttur has had the unnecessary cases from the High Court and the Govt. sanctioned the creation of the appointment of an Addl Dist Munsiff in the Dist Munsiff Court Kasaragod for a little over 6 months. In view of this long pending point practically submitted in this circumstances should this proposal be accepted, this establishment of 3 clerks and 3 peons is on the usual scale.

2 As regards the long proposed

12

Rs 35-60 for clerks and Rs 12-18 for peons

It may be stated that it will be subject to revision on the introduction of the revised scales of pay. This condition may also apply to the case of the Dr Municipality necessary provision of funds etc exists

Draft orders Finance has to see.

KSVV
18.4.33.

CWO
20/4/33

2063B

V.S. for

Law Secy No 2063B-1
20-4-33

Fin:-

ASSISTANT SECRETARY TO GOVERNMENT
22 APR 1933
FINANCE DEPT.

ER
11669

Finance (E.R.)

Subject that the draft order may be accepted subject to the remark that it should be amended specifying the revised scales of pay which have since been issued.

Fin
24.4.33
KVV
25.4.33

Law (Secy)

Law Secy Dy

GOVERNMENT OF MADRAS
20 APR 1933
LAW DEPARTMENT

GOVERNMENT OF MADRAS
28 APR 1933
FINANCE DEPARTMENT

Fin No 11669 ER-1
25.4.33

AS

GOVERNMENT OF MADRAS
27 APR 1933
LAW DEPARTMENT

The draft has been amended as suggested above

Forwarded as to circulation

KSVV
28.4.33.

CWO
29/4/33

29-4-33.

5

2.

Sectt. II-5 (a)—50,006—5-11-29.

Law DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

Courts

Civil - Dt Munsif's Court, Kasaragod - Appointment of Addl. Dt Munsif - Sanctioned from 29-5-33 - Appointment of Addl. Dt Munsif, Pattambi - abolished

READ AGAIN G.O. No. ....., dated 19

" " " " ..... " 19

READ ALSO :—

C. No. 2063 D From the Registrar Court, No. 958/33-D2, dated 12-4 1933

" " ——— " " ..... " ..... " ——— 19

" " ——— " " ..... " ..... " ——— 19

ORDER.

No. 1504, dated 1—5—1933.

Mo.

Vide proceedings (K) No. 3342/Ry/33 dt 7.33

Rs 7 sanctioned (subject to) vide proceedings 13.4.33

Rs 4 CF

Rs 2 CF

Rs 20 vide No. 311 Tel (5) 13.4.33 (subject to)

Rs 2 CF

The Govt. sanction the proposal of the Hon'ble the Judges for the appointment of an Addl. Dt Munsif (Rs 250-500 a month) to the Dt Munsif's Court Kasaragod from the 29 May 1933 up to the commencement of Christmas holidays 1933

2 The Govt direct that the establishment of the Dt Munsif's Court Kasaragod be strengthened by the addition of 3 clerks on Rs 30-55 each a month and 3 peons on Rs 12-17 each a month so long as the number of appeals

preceding over the Court remains
at Jaffna.

3. The salary of the appointment sanctioned in paras 1 & 2 above will be subject to revision on the introduction of the revised scales of pay.

4. The Govt agrees the proposal of the Hon'ble the Justice that the appointment of Addl. Dr Munsif, Pattiri with his establishment may be abolished with effect from the 17th April 1933

5. The necessary notifications will be published in the P.S.G Gazette

Notifications
I

Under section 4 of the Madras Civil Courts Act, 1873 (III of 1873) as amended by Madras Act III of 1925 the Local Govt, after consultation with the High Court, are pleased to direct that from the 29th May 1933 the number of Dr Munsifs to be appointed to the Dr Munsif's Court Kasaragod in the District of South Kanara

15

Shall be two

II

Under Section 24 of the Madras Civil Courts Act, 1873 (III of 1873) as amended by Madras Act III of 1925, the Local Govt, after consultation with the High Court, are pleased to direct that the number of District Munsifs to be appointed to the District Munsif's Court Puttur in the District of South Kanara shall be one with effect from the 17th April 1933

now

18.4.33.

Law
20/4/33.

7/1 C?

96

The Hon'ble the C.J. with d/o

" A.G. the Finance Member

" Finance Dept

" S.G.P. for publication & notification